

REMARKS

Claims 1-38 are pending in this application. By this Amendment, claims 1, 4, 12, 15, 22-23 and 26 are amended for cosmetic purposes only in order to make the claims more easily readable, claim 10 is amended to avoid duplicate claim scope, and new claims 37-38 are added. No new material is added. None of the amendments narrow the scope of the claims, and Applicants do not disclaim any equivalent of any amended limitation and reserve the right to pursue broader subject matter in subsequent prosecution. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claim 4 and 15 under 35 U.S.C. §112, second paragraph, due to minor informalities. In response, claims 4 and 15 are amended to obviate the rejection. Accordingly, withdrawal of the rejection is respectfully solicited.

The Office Action rejects claim 8 and 10 under 35 U.S.C. §112, second paragraph, due to identical claim scope. In response, claim 10 is amended to obviate the rejection. Accordingly, withdrawal of the rejection is respectfully solicited.

The Office Action rejects claim 1-36 under 35 U.S.C. §103(a) over Iwamura et al. (U.S. Patent No. 5,945,976) in view of Montgomery et al. (U.S. Patent No. 5,969,533). This rejection is respectfully traversed with respect to claims 1-36 and argued to the extent it may apply to new claims 37-38.

In particular, Applicant asserts that it would not have been obvious at the time of the invention to modify Iwamura using the disclosure of Montgomery to teach or suggest a graphical user interface that includes a rendered image of at least one graphical object, wherein the graphical object uses a number of pixels on a display device and a color value stored for each

pixel in the display device, as recited in independent claim 1, and similarly recited in independent claims 11, 22, 24, 29 and 33-36.

Iwamura discloses a graphic data processing system that displays a simulated *three-dimensional scene* from a number of different perspectives using on a vector map. See, Abstract and col. 1, lines 12-18. In an embodiment depicted in Fig. 5A and related text, the graphic data processing system can be used to point to a “ground object” via an indication cursor 501. In operation of such an indication cursor 501 the graphic data processing system can use a number of approaches outlined in Figs. 9 and 10 and related text.

However, Iwamura makes no mention that any component of its graphics system uses either: (1) a color value stored for each pixel, or (2) object identification data stored with each pixel covered by a rendered image, issues that the Office Action admits on page 3. Thus, Iwamura does not teach or suggest each and every limitation as recited in the independent claims.

Montgomery discloses a method for selecting an item from a *two-dimensional* graphics screen. See, Abstract and Fig. 2. As illustrated in Fig. 2, a number of graphic objects 204 and 206 can displayed with each object having: (1) an “item identifier” that identifies each particular graphics object to be displayed, and (2) a “color number” that is the sole instrument that defines the color of a given graphics object. See, col. 3, line 64 to col. 4, line 5. As clearly shown by Fig. 2 and related text, each object is represented by a single color. That is, there is but a single color available for each object in the Montgomery disclosure. Accordingly, Montgomery does not teach, suggest or even appreciate the use of a device that allows a separate color value stored for each pixel. Thus, Montgomery does not provide for the deficiencies of Iwamura.

The Office Action has not provided any *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, (1) the prior art references must teach or suggest all the claim limitations, (2) there must be some motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the reference teachings, and (3) there must be a reasonable likelihood of success that the claimed combination will work. See MPEP §2143, for example. *All three requirement must be met.*

As discussed above, Iwamura and Montgomery, individually or in combination, do not teach or suggest all the claim limitations.

Furthermore, there is no motivation, either in the cited references themselves or in the knowledge generally available to one of ordinary skill to modify Iwamura using the teachings of Montgomery. While the Office Action states on pages 4 that ‘it would have been obvious ... to use the item buffer technique of Montgomery to assign “identification data” to the scene image objects of Iwamura [in order] to provide the Iwamura user with a direct indexing to the identities of the contents of the scene image,’ this stated motivation is problematic for a number of reasons.

First, the stated motivation is not found in any reference of record.

Second, the Office Action provides no evidence, other than an unsupported conclusion, that this motivation would ever be apparent to one of ordinary skill in the art.

Third, it is not apparent that the virtual reality simulator of Iwamura would even benefit from using the “item buffer” technique described in Montgomery as compared to the present system used by Iwamura, nor is it apparent that using Montgomery’s item buffer would be remotely cost-effective.

Finally, a review of Iwamura reveals that *there can be NO reasonable likelihood of success* to modify the three-dimensional system of Iwamura to use Montgomery’s item buffer, which is

designed with two-dimensional graphics rendering in mind. That is, as with most three-dimensional rendering systems, Iwamura uses a “z-buffer” imaging approach to determine whether a particular object will be obfuscated by a second object (see, col. 8, line 53 of Iwamura), whereas the imaging approach used in Montgomery is limited by its “item buffer” technique to obfuscate based on order within a buffer, i.e., subsequent items listed obfuscate earlier items. See, Fig. 2 and col. 4, line 9+ of Montgomery. Accordingly, the devices and methods of Montgomery are totally unsuitable for use with Iwamura, or in any system using modern three-dimensional graphics rendering.

Thus, there can be no *prima facie* case of obviousness to modify Iwamura based on the teachings of Montgomery *as none of the three requirements of a prima facie case of obviousness listed above has been met*, and indeed it appears that the suggested combination would result in a system totally unsuited for item selection in a three-dimensional graphics setting.

Thus, independent claims 1, 11, 22, 24, 29 and 33-38 are directed to patentable subject matter. The dependent claims are directed to patentable subject matter by virtue of their dependency as well as for the additional features they recite. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

Applicant respectfully solicits that this Application is in condition for allowance, and Applicant requests that the Examiner give the Application favorable consideration and permit it to issue as a patent. However, if the Examiner believes that the Application can be put in even better condition for allowance, the Examiner is invited to contact Applicant's representative listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502036 and please credit any excess fees to such deposit account.

Respectfully submitted,

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